



The Gazette of Meghalaya

EXTRAORDINARY

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PART-IIA

GOVERNMENT OF MEGHALAYA COMMUNITY & RURAL DEVELOPMENT DEPARTMENT ORDERS BY THE GOVERNOR

NOTIFICATION

The 15th November, 2010.

No.CDD.4/2008/152. - In exercise of the powers conferred by sub-section (1) of section 32 read with section 27(1) of the National Rural Employment Guarantee Act, 2005, the Governor of Meghalaya is pleased to make the following rules to amend the Meghalaya Rural Employment Grievance Redressal Rules, 2009.

- 1. Short title and commencement .-** (1) These rules may be called the Meghalaya Rural Employment Grievance Redressal (Amendment) Rules, 2010
(2) They shall come into force at once.
- 2. Amendment of Rule 2.-** In rule 2 of the Meghalaya Rural Employment Grievance Redressal Rules, 2009 (hereinafter referred to as the principal Rules),
after clause (d), the following new clause (dd) shall be inserted, namely , -
"(dd) "Ombudsman" means the person appointed for redressal of public grievances under section 27 of the Act,"
- 3. Amendment of Rule 4.-** In rule 4 of the principal Rules, after sub-rule (5), the following new sub-rule (6), shall be added, namely, -
"(6) Any person who has a grievance against the NREGA authority, may himself or through his authorized representative, make a complaint against the NREGA authority in writing to the Ombudsman within his jurisdiction or to any NREGA authority superior to the authority complained against. The Ombudsman herein referred to the person appointed under the rule 6 of the instructions and includes the Deputy Ombudsman who will dispose complaints received by him as per the rules and instructions for NREGA Ombudsman formulates under sub-rule (1) of Section 27 of the NREGA Act by Central Government.
- 4. Amendment of Rule 5 .-** In rule 5 of the Principal Rules, after sub-rule (5), the following new sub-rules (6) and (7) shall be inserted namely,-

"(6) The State level officer designed to monitor the disposal of complaints in the State shall cause to ask summary reports regarding receipt and disposal of complaints by Ombudsman.

"(7) - Each award passed by Ombudsman against or otherwise to the parties/complainants shall be sent to the NREGA authority within 30 days.

5. – After rule 6 of the principal rule, the following new rules, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 shall be added, namely,-

"7. **Establishment of the Office of NREGS Ombudsman** .- (1) on the recommendations of the Selection Committee consisting of the following persons -

(a) Chief Secretary of the State Government - Chairperson

(b) Representative of Union Ministry of Rural Development - Member

(c) Eminent Civil Society Person nominated by Union Ministry of Rural Development.

(d) Secretary, Community & Rural Development Department, State Nodal Department - Member Convenor

(2) the State Government may appoint one or more persons, but not more than, three persons, as the Ombudsman in a District.

"8. **Appointment, Tenure and Removal** .- (1) The Selection Committee shall prepare a panel of suitable persons for consideration for appointment as Ombudsman, Deputy Ombudsman shall also be appointed from the same panel based on his merit position. Prior to appointment, the panel prepared by the Selection Committee may be published on the official website of the State to invite comments from the public. On expiry of 30 days of publication, the comments may be examined by the Selection Committee. All comments and objections may be settled within 30 days of the date of expiry of the period for inviting comments. Anonymous comments and objections may not be considered.

(2) The selection of Ombudsman shall be made from among persons of eminent standing and impeccable integrity with at least twenty years of experience in public administration, law, academics, social work or management.

(3) No person who is a member of a political party shall be considered for appointment as Ombudsman.

(4) The persons selected as Ombudsman must be physically active and capable of conducting field tours, inspections and visits to remote rural locations in the districts.

(5) The Ombudsman shall be appointed for tenure of 2 years extendable by one year based on performance appraisal or till the incumbent attains the age of 65 years, whichever is earlier. There shall be no reappointment. Performance appraisal shall be made by the Selection Committee. A copy of the performance appraisal report shall be furnished to the State Employment Guarantee Council.

(6) On unsatisfactory performance, the Ombudsman may be removed by the State Government on the recommendation of the Selection Committee.

"9. **Autonomy of Ombudsman** . -The Ombudsman shall be independent of the jurisdiction of the Central or State Government.

"10. **Remuneration**.-Subject to any notification by the State Government, the Ombudsman shall be allowed compensation of Rs. 500/- per sitting.

"11. **Territorial Jurisdiction** .- The State Government shall specify the territorial jurisdiction of each Ombudsman in terms of a District.

"12. Location of offices .- The office of NREGS Ombudsman shall be located at the District Headquarters.

"13. Technical and Administrative Support.- In case of heavy load of cases not more than two Deputy Ombudsman may be provided to assist the Ombudsman in disposal of cases in each district. Technical and administrative support will be provided by the DRDA or any other body specified by the State Government in this behalf in whose premises the office of Ombudsman shall be located.

"14. Powers and Duties . - The Ombudsman shall have the powers to

(1) Received complaints from NREGA workers and others on any matters specified in clause 10.

(2) Consider such complaints and facilities their disposal in accordance with law.

(3) Require the NREGA Authority complained against to provide any information or furnish certified copies of any document relating to the subject matter of the complaint which is or is alleged to be in his possession; provided that in the event of failure of such authority to comply with the requisition without any sufficient cause, the Ombudsman may, if he deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavorable to the concerned NREGA Authority.

(4) Issue direction for conducting spot investigation.

(5) Lodge FIRs against the erring parties.

(6) Initiate proceedings *sou motu* in the event of any circumstance arising within his jurisdiction that may cause any grievance.

(7) Engage experts for facilitating the disposal of the complaint.

(8) Direct redressal, disciplinary and punitive actions.

(9) Report his findings to the Chief Secretary of the State and the Secretary, State Nodal Department for appropriate legal action against erring persons.

(10) The Ombudsman shall have the following duties:

(11) To be responsible for the conduct of business in his office.

(12) (12) To maintain confidentiality of any information or document coming into his knowledge or possession in the course of discharging his duties and not disclose such information or document to any person except with the consent of the person furnishing such information or document: provided that nothing in this clause shall prevent the Ombudsman from disclosing information or documents furnished by a party in an complaint to the other party or parties, to the extent considered by him to be reasonably required to comply with the principles of natural justice and fair play in the proceedings.

(13) To send a monthly report to the Chief Secretary and Secretary, State Nodal Department recommending appropriate action. The report shall specially highlight cases where action needs to be taken against erring NREGA functionaries for their failure to redress the grievance. The report will be accompanied with primary, evidence needed to initiate action against the delinquent persons.

(14) To furnish a report every year containing a general review of activities of the office of the Ombudsman during the preceding financial year to the Chief Secretary and the Secretary, the State Nodal Department along with such other information as may be considered necessary by him. In the annual report, the Ombudsman, on the basis of

grievance handled by him, will review the quality of the working of the NREGA authorities and make recommendations to improve implementation of NREGA. The report shall be put on the NREGA website.

(15) To compile a list of 'awards' passed by it between April and March of each financial year in respect of every NREGA Authority complained against and report it to the Chief Secretary of the State and the State Nodal Department. Text of award shall also be put on the NREGA website.

"15. Grounds on which complaint shall be filed , - A complaint pertaining to any one or more of the following subjects alleging deficiency in the implementation of the NREGA Scheme may be filed with the Ombudsman.

- (i) Gram Sabha
- (ii) Registration of households and issue of job cards
- (iii) Custody of job cards
- (iv) Demand for work
- (v) Issue of dated acknowledgement receipt against submission of application for work.
- (vi) Payment of wages.
- (vii) Payment of unemployment allowance
- (viii) Discrimination on the basis of gender
- (ix) Worksite facilities
- (x) Measurement of work
- (xi) Quality of work
- (xii) Use of machines
- (xiii) Engagement of contractors
- (xiv) Operation of accounts in the bank or post offices
- (xv) Registration and disposal of complaints
- (xvi) Verification of muster rolls
- (xvii) Inspection of documents
- (xviii) Use of funds
- (xix) Release of funds
- (xx) Social audit
- (xxi) Maintenance of record
- (xxii) State Nodal Department may include any other ground on which a complaint may be filed with the Ombudsman.

"16. Procedure for filing the complaint .- (1) Any person, who has a grievance against the NREGA Authority, may, himself or through his authorized representative, make a complaint against the NREGA Authority in writing to the Ombudsman or to any NREGA authority superior to the authority complained against.

(2) The complaint shall be duly signed by the complainant and his authorized representative, if any, and shall state clearly the name and address of the complainant, the name of the office and official of the Nodal Department against whom the complaint is made, the facts giving rise to the

complaint supported by documents, if any, relied on by the complainant and the relief sought from the Ombudsman.

(3) A complaint made through electronic means shall also be accepted by the Ombudsman and a print out of such complaint shall be taken on the record of the Ombudsman.

(4) A printout of the complaint made through electronic means shall be signed by the complainant at the earliest possible opportunity before the Ombudsman takes steps for disposal.

(5) The signed printout shall be deemed to be the complaint and it shall relate back to the date on which the complaint was made through electronic means.

(6) No complaint to the Ombudsman shall lie if the complaint is in respect of the same subject matter which was disposed by the Office of the Ombudsman in any previous proceedings whether or not received from the same complainant or along with any one or more complainants or any one or more of the parties concerned with the subject matter.

(7) No complaint shall be made to the NREGS Ombudsman on an issue which has been or is the subject matter of any proceeding in an appeal, revision, reference or writ before any Tribunal or Court.

"17. Proceedings to be summary in nature .- The Ombudsman shall not be bound by any legal rules of evidence and may follow such procedure that appears to him to be fair and proper. The proceedings before the Ombudsman shall be summary in nature.

"18. Disposal of complaints . - (1) On receipt of the complaint, Ombudsman may refer the complaint to the appropriate NREGA Authorities for disposal within 7 days. In the event of failure of the NREGA Authority to dispose the complaint, the matter may be taken up by the Ombudsman for disposal.

(2) The Ombudsman shall cause a notice of the receipt of any complaint along with a copy of the complaint to be sent to the NREGA Authority complained against.

(3) When facts of the case are admitted by the parties, the Ombudsman shall dispose the case in accordance with law.

"19. Award by the Ombudsman and Appeal . - (1) If the facts are not admitted by the parties in a case. Ombudsman may pass an award after affording the parties reasonable opportunity to present their case. He shall be guided by the evidence placed before him by the parties, the reports of social audits, if any, the provisions of NREGA Act and Scheme and practice, directions, and instructions issued by the State Government or the Central Government from time to time and such other factors which in his opinion are necessary in the interest of justice.

(2). The 'award' passed under sub-clause (13.!) above shall be a speaking, order consisting of the following components

(3). Details of the parties of the case.

(4) Brief facts of the case.

(5) Issues for consideration

(6) Findings against issue along with reasons

(7) Direction to the concerned NREGA Authority such as performance of its obligations like expediting delayed matters, giving reasons for decisions and issuing apology to complainants, taking of disciplinary and punitive action against erring persons, etc. except imposition of penalties under the NREGA Act.

(8) Costs, if any.

(9) If a complaint is found to be false, malicious or vexatious, the Ombudsman shall, for reasons to be recorded in writing, dismiss the complaint and made an order that the complainant shall pay to the opposite party cost as deemed appropriate by the Ombudsman.

(10) A copy of the 'award' shall be sent to the complainant and the NREGA Authority complained against.

(11) There shall be no appeal against the 'award' passed by the Ombudsman and the same shall be final and bringing on the parties.

(12) A representative of Programme Officer/District Programme Co-ordinator may appear in cases where the Programme Officer/District Programme Co-ordinator is a party. Programme Officer/District Programme Coordinator shall appear only when a proceeding is taken up before the Ombudsman, in which case he shall be provided the opportunity of hearing.

(13) All cases not involving complicated questions of fact or law shall be disposed within 15 days. Other cases may be disposed within 45 days.

(14) Representative of parties by the advocates in any proceeding may be made within the period permission of Ombudsman.

(15) In any proceeding before the Ombudsman, if the facts reveal a case of illegal gratification, bribery or misappropriation and the Ombudsman is satisfied that the case is fit for further investigation by a criminal court, the same shall be referred by him to the authority competent to sanction criminal prosecution of the persons involved in the same. The competent authority on receipt of such a case shall forward the case to appropriate authority for further action in accordance with law.

"20. Submission of Report to State Employment Guarantee Council and Legislative Assembly .- The Summary report of cases disposed by Ombudsman will be reported from the State Employment Guarantee Council by the Secretary, State Nodal Development in its meetings and will also form part of the Annual Report and placed in the Legislative Assembly.

"21. Amount received to be deposited in the State Employment Guarantee Fund . - All sums payable by the parties to the Ombudsman and received by him shall be deposited in the account of the State Employment Guarantee Fund."

C. D. KYNJING,

Principal Secretary to the Govt. of Meghalaya,
Community & Rural Development Department.



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PART - V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 3rd December, 2010.

No.LB.68/LA/2010/2.—The Mahatma Gandhi University Bill, 2010 introduced in the Meghalaya Legislative Assembly on the 3rd December, 2010 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

MAHATMA GANDHI UNIVERSITY BILL, 2010

A

BILL

to establish and incorporate a University in the State, with emphasis on providing high quality and industry relevant education in the areas of Engineering, Physical Sciences, Life Sciences, Technology, Medical Science and Paramedical, Management, Technical, Finance & Accounting, Commerce, Humanities, Languages & Communication. Applied and Performing Arts, Education, Law, Social Science and related areas sponsored by Layman Education Society through regular and distance education mode and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-first Year of the Republic of India as follows:

CHAPTER 1 PRELIMINARY

**Short title and
commencement.**

(1) This Act may be called Mahatma Gandhi University Act, 2010.

(2) It shall come into force on such date as the State Government may, by notification appoint.

Definitions.

1. In this Act, unless the context otherwise indicates:

- (i) "Academic Council" means the Academic Council of the University;
- (ii) "Act" means the Mahatma Gandhi University Act, 2010;
- (iii) "AICTE" means the All India Council for Technical Education established under Section 3 of the All India Council for Technical Education Act, 1987;
- (iv) "Annual Report" means the annual report of the university as prepared in Section 44 of the Act;
- (v) "BCI" means the Bar Council of India;
- (vi) "Board of Governors" means the board of governors of the University as referred to in section 20 of the Act;
- (vii) "Board of Management" means the Board of Management of the University constituted in Section 21 of the Act;
- (viii) "Layman Educational Society" means Layman Educational Society, a society registered under the "Societies Act". It bears a registration number of S. 36104 dated 2nd December 1999;
- (ix) "Chancellor" means Chancellor of the University appointed under Section 13 of the Act;
- (x) "Constituent College" means a college or an Institution established and maintained by the university;
- (xi) "DCI" means the Dental Council of India;
- (xii) "DEC" means the Distance Education Council;
- (xiii) "Development Fund" means the Development Fund of the University established under Section 42 of the Act;
- (xiv) "Distance Education System" means the system of imparting education through all mode of education such as Information Technology, Communication and other media such as Multimedia, Broadcasting, Telecasting, Online over internet, portal, other interactive methods, email, internet, computer, interactive talk-back, e-learning, correspondence course, seminar, contact programme or a combination of any two or more of such means, through any mode of technology assisted learning for academics, research and training in any field under blended learning pattern etc.;
- (xv) "Endowment Fund" means Endowment Fund of the university established under Section 40 of the act;
- (xvi) "Employee" means employee appointed by the university and includes teachers and other staff of the university or of a constituent college;
- (xvii) "Faculty" means Faculty of the University;

- (xviii) "Finance Officer" means Finance Officer of the university appointed under Section 17 of the Act;
- (xix) "General Fund" means General fund of the University as referred to in Section 41 of the Act;
- (xx) "INC" means Indian Nursing Council;
- (xxi) "prescribed" means prescribed by the rules, regulations or statutes under the Act;
- (xxii) "MCI" means the Medical Council of India;
- (xxiii) "NCTE" means the National Council for Teacher Education;
- (xxiv) "Off-campus Centre" means a centre of the private university established by it outside the main campus (within or outside the state) operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
- (xxv) "Official Gazette" means the Gazette of Meghalaya;
- (xxvi) "Off-Shore Campus" means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
- (xxvii) "PCI" means the Pharmacy Council of India;
- (xxviii) "Principal" in relation to a constituent college, means the Head of the Constituent college and includes, where there is no Principal, the Vice principal or any other person for the time being appointed to act as Principal;
- (xxix) "Regional Centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of Students and for rendering any other assistance including training, Conducting contact classes and administering examinations required by the students and for performing such other functions as may be conferred on such centre by the Board Of Management;
- (xxx) "Registrar" means Registrar of the University appointed under Section 16 of the Act;
- (xxxi) "Rules & Regulations" means the Rules & Regulations of the University;
- (xxxii) "Sponsor" means Layman Education Society;
- (xxxiii) "State" means the State of Meghalaya;
- (xxxiv) "State Government" means the State Government of Meghalaya;
- (xxxv) "Statutes" means the Statutes of the University;
- (xxxvi) "Study Centre" means a centre established and

maintained by the university for the purpose of advising, counseling or for rendering any other assistance required by the students used in the context of distance education;

- (xxxvii) "Teacher" means a Professor, Associate Professor, Assistant Professor, and Lecturer or such other person as may be appointed for imparting education or conducting research in the university or in a Constituent college or institution and includes the principal of a constituent college or institution, in conformity with the norms prescribed by the UGC;
- (xxxviii) "UGC" means the University Grant Commission established under the University Grants Commission Act, 1956;
- (xxxix) "University" means Mahatma Gandhi University established under this Act;
- (xl) "Vice Chancellor" means Vice Chancellor of the University appointed under Section 14 of the Act; and
- (xli) "Visitor" means the visitor of the university as referred to in Section 12.

CHAPTER 2

THE UNIVERSITY AND ITS OBJECTIVE

Proposal for the establishment of the University.

3. (1) The sponsor shall have the right to establish the University in accordance with the provisions of this act and the guidelines the issued by the UGC.

(2) The sponsor shall make an application containing the proposal to establish the university to the State Government.

(3) The proposal may contain the following particulars, namely:

- (a) The object of the University along with the details of the Sponsor;
- (b) The extent and status of the University and the availability of the land;
- (c) The nature and type of Programmes of the study and research to be undertaken in the University during a period of the next five years;
- (d) The nature of facilities, Courses of study and research proposed to be started;
- (e) The campus development such as buildings, equipment and structural amenities;
- (f) The phased outlays of capital expenditure for a period of the next five years;
- (g) The item-wise recurring expenditure, sources of finance and estimated expenditure for each student;

- (h) The scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source;
- (i) The scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University and the other anticipated incomes;
- (j) The details of expenditure on unit cost, the extent of concessions or rebates in fee, freeship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on Non-Resident Indians and students of other nationalities;
- (k) The history and credentials of the sponsor including years of experience and expertise in the concerned discipline at the command of the sponsor as well as the financial resources;
- (l) The system for selection of students to the courses of study at the University;
- (m) Status of fulfillment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University;
- (n) Nature and types of its partnership and affiliations; and
- (o) Such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

Establishment of the University.

4. (1) Where the State Government, after such inquiry as it may deem necessary is satisfied that the sponsor has fulfilled the Conditions, specified in Sub-section (2), of Section 3, it may direct the sponsor, to establish an Endowment Fund in accordance with the guidelines issued by the UGC.

(2) After the establishment of the Endowment Fund, the State Government may by notification in the Official Gazette, accord sanction for establishment of the University in accordance with the guidelines issued by the UGC.

(3) The Campus of University shall be at Tura, Meghalaya and it may have another campus at Khanapara or any other place in Meghalaya and Regional Centres, Study Centres anywhere in India and abroad:

Provided approval of Distance Education Council is obtained.

(4) University shall run the courses in online, offline and any other means/mode for providing education with the approval of board of management.

(5) University shall conduct the examination in online & offline both the modes.

(6) The Chancellor, the Vice Chancellor, members of the Board of Governors, members of the Board of Management and the Academic Council for the time being holding office as such in the University so established, shall constitute as body corporate and can sue and be sued in the name of the University.

(7) On the establishment of the University under Sub Section (2), the land and other movable and immovable properties acquired, created, arranged or built by the University for the purpose of the University in the State of Meghalaya shall vest in the University.

(8) The land, building and other properties acquired for the University shall not be used for any purpose, other than that for which the same is acquired.

University not entitled to financial assistance.

5. The University shall be self-financing and shall not make a demand to any grant-in-aid or any other financial assistance from the State Government or any other body or corporation owned or controlled by the State Government.

Objectives of the University.

6. The objectives for which the University is established are as follows:

- (a) to provide Instruction, Teaching, Training and Research in various branches and specialized fields of Vocational Education, Skill Development, Engineering, Physical Sciences, Life Sciences, Technology, Medical Science and Paramedical Management, Technical, Finance & Accounting, Commerce, Humanities, Languages, & Communication, Applied and performing Arts, Education, Law, Social Science and related areas and subjects and to make provisions for research, Advancement and dissemination of knowledge therein;
- (b) to establish a campus in the State of Meghalaya, and to have study centers campuses examination, off-campus centres, off-shore campuses and Regional centres at different places in India and abroad;
- (c) to provide continuing and distance education programmes in India & Abroad through offline, online, correspondence and all modes of education (Learning Management System (LMS)/Computer Based Tutorials (CBT) etc.). Study centres shall be open to run distance education program in India and Abroad, through any mode of technology assisted learning for academics, research and training in any field under blended learning pattern etc.;
- (d) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any other method of evaluation;
- (e) to collaborate with other colleges or universities, research institutions industry associations, professional

- associations or any other organization in India or abroad to conceptualize design and develop specific educational and research programmes, training programmes and exchange programmes for students, faculty members and others;
- (f) to disseminate knowledge through seminars, conferences, executive education programmes, community development programmes, publications and training programmes;
 - (g) to undertake programmes for the training and development of faculty members & Teachers of the University and other Institutions of India and abroad;
 - (h) to undertake collaborative research with any organization in India and abroad;
 - (i) to create higher levels of intellectual abilities;
 - (j) to provide consultancy to industry, Government, public and private organization;
 - (k) to create an Industry Academia partnership by inviting Industry in the University campus and other university places for mutual benefits;
 - (l) to ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE/NCTE/UGC/MCI/DEC/DCI/INC/BCI and Pharmacy Council of India;
 - (m) to conduct examination in both ways through offline as well as online mode in India and Abroad for regular campus and distance education program;
 - (n) to do all things necessary or expedient to promote the above objectives;
 - (o) to impart instructions in record to a course or programme of study through one or more modes which may include distance, continuing and regular modes of teaching and learning;
 - (p) to pursue any other objective as may be prescribed by State Government or Sponsor; and
 - (q) Board of Governor will have the power to launch any new courses or technology which in demand or suitable as per the requirement. They may also do any kind of activity for upliftment of society.

Powers of the University.

7. The University shall have the following powers, namely, -

- (a) to establish, maintain and recognize such Regional Centres, Study Centres, Campuses, Off-campus Centres and off-shore campuses as may be determined by the University from time to time in the manner laid down by the Statutes;

- (b) to confer degrees, diplomas, certificates or other academic distinctions;
- (c) to institute and award fellowships, scholarships and prizes;
- (d) to launch any academic & research programmes & courses, discipline of education which deemed suitable for meeting the objective at clause 7 of the university;
- (e) to determine, demand and receive fees, bills, invoices and collect charges to fulfill the object of the University;
- (f) to make provisions for extra curricular activities for students and employees;
- (g) to appoint the faculties, teachers, officers and employees of the University or a constituent college, affiliated colleges, Regional Centres, Study Centres campuses, establish, maintain and recognize such Regional Centres, Study Centres and Campuses, Off-campus Centres and off-shore campuses located in India and abroad;
- (h) to receive donations and gifts of any kind and to acquire, hold, manage, maintain, lease, mortgage and dispose of any movable or immovable property, including Trust and Endowment properties for the purpose of the University or a constituent college, or a Regional Centre or a Off-campus centre or a Off-shore campus or a Study Centre;
- (i) to create & manage the halls and places of residence for students, officers, faculties, teachers and employees of the University or a constituent college or other partners of the University at the main campus and other campuses in India and abroad;
- (j) to supervise and control the residential facilities, and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees including their code of conduct;
- (k) To create academic, administrative and support staff and other necessary posts;
- (l) To cooperate and collaborate with other Universities and institutions in such a manner and for such purposes as the University may determine from time to time;
- (m) To offer programmes on distance learning basis and continuing education and the manner in which such programmes are ordered by the University;

- (n) To organize and conduct refresher courses, orientation courses, workshops, seminars and other programmes for industry executives, teachers, developers of courseware, evaluator and other academic staff;
- (o) To determine standards of admission to the University, constituent colleges, affiliated colleges, Regional Centres, Off-campus Centre, Off-shore campus, Study Centres with approval of Academic Council;
- (p) To make special provision for students belonging to the State of Meghalaya for admission in any course of the University or in a constituent college, affiliated college, Regional Centre, Off-campus center, Off-shore campus or Study center;
- (q) To prescribe such courses for Bachelor Degree, Master's Degree, Doctor of Philosophy, Doctor of Science Degrees and Research and such other Degrees, Diplomas, Certificates etc.;
- (r) To provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD, DVD and other software;
- (s) To recognize examinations or periods of study (whether in full or in part) of other Universities, Institutions or other places of Higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;
- (t) To create industry Academia partnership by inviting Industry in the University campus and other university centres for mutual benefits;
- (u) To raise, collect subscribe and borrow with the approval of the Board of Governors whether on the security of the property of the University money for the purpose of the University;
- (v) To enter into carry out vary or cancel contracts;
- (w) To create amend and cancel the rules and regulations to fulfill the objective of the university;
- (x) To do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objective of the University;
- (y) To carry out all such other activities as may be necessary or feasible in furtherance of the objective of the University;
- (z) To do all things necessary or expedient to exercise the above powers; and
- (zz) The University shall have powers to get into collaborations and agreements of articulation and progression with reputed universities and institutions in India and abroad:

- Provided that the University does not affiliate colleges or institutions which are not owned and managed by the University and established by other institution and University.
- University open to all classes, castes, creed, religion, language and gender.** 8. The university shall be opened to all persons irrespective of class, caste, creed, religion, language or gender:
- Provided that nothing in this section shall be deemed to require the university from making special provisions for admission to students of the state.
- National and International Accreditation.** 9. The university will seek accreditation from respective national and international accreditation bodies.
- Places of Campuses.** 10. [1] The campuses of the university shall be at any place within the state of Meghalaya and it may have campuses or regional centres, study centres, off-campus centres, off-shore campus anywhere in India or abroad.
- (2) The chancellor, the Vice-Chancellor, members of the board of governors member of the board of management and the academic council for the time being holding office as such in the university so established shall constitute a body corporate and can sue and be sued in the name of the university.
- (3) The Board of governors will decide the usage of land, building and other properties acquired for the university, which is for the benefits of the university.

CHAPTER 3

OFFICERS OF THE UNIVERSITY

- Officers of the University.** 11. The following shall be the officers of the university:
- (a) the Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Registrar;
 - (d) the Finance Officer; and
 - (e) such other officers as may be declared by the Act or Statute to be officers of the University.
- The Visitor of the University.** 12. (1) The visitor of the University shall be notified by the Sponsor in consultation with the State Government.
- (2) The visitor shall, when present, preside at the convocation of the University conferring degrees, diplomas, designations and certificates.
- (3) The visitor shall have the following powers, namely, -
- (a) to call for any paper or information relating to the affairs or the University;
 - (b) on the basis of the information received by the visitor if

he is satisfied that any order proceeding or decision taken by any authority of the University is not in conformity with the Act, Regulations or Rules, he may issue such directions as he may deem fit in the interest of the University which will be binding to all concerned.

**The Chancellor
of the
University.**

13.(1) The Sponsor shall appoint a person suitable to be appointed as the Chancellor of the University subject to the approval of the Visitor.

(2) The chancellor so appointed shall hold the office for a period of five years which may be extended with a prior approval of the visitor.

(3) The Chancellor shall be the head of the university.

(4) The chancellor shall preside at the meeting of the board of governors and shall when the visitor is not present, preside at the convocation of the university for conferring degrees, diplomas, designation or certificates.

(4) The chancellor shall have the following powers, namely, -

(a) to call for any information or record;

(b) to appoint the Vice –Chancellor;

(c) to remove the vice-chancellor;

(d) such other powers as may be conferred on him by this Act and Statute made here under.

**The Vice-
Chancellor of
the University.**

14. (1) The Vice-Chancellor shall be appointed on such term and conditions as approved by the board of Governors for a term of four years by the Chancellor.

(2) The Vice-Chancellor shall be appointed by the chancellor from a panel of three persons recommended by the board of governor and shall hold office for a term of four years:

Provided that after expiration of the term of four years the vice chancellor shall be eligible for re-appointment for another term not exceeding four years.

(3) The vice chancellor shall be principal executive and academic officer of the university and shall exercise general supervision and control over the affairs of the university and give effect to the decisions of the authorities of the university.

(4) If in the opinion of the vice chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter.

(5) If in the opinion of vice chancellor any decision of any authority of the university is outside the powers conferred by this Act, or is likely to be prejudicial to the interest of university he shall request the concerned authority to revise its decision within seven days from the date of the decision, then such matter shall be referred to the chancellor and his decision thereon shall be final

(6) The vice chancellor shall exercise other powers and perform such other duties as may be laid down by the Act and the Statutes.

(7) The Vice-Chancellor shall preside at the Convocation of the University in the absence of both, the Visitor and the Chancellor, for conferring degrees, diplomas or certificates.

(8) The Chancellor is empowered to remove the Vice-Chancellor after due enquiry. It will be opened to the Chancellor to suspend the Vice-Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.

**Deans of
Faculties.**

15. Deans of Faculties shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and performs such duties as may be prescribed by Statutes.

The Registrar.

16. (1) The appointment of the Registrar shall be made by the Board of Governors on such terms and conditions as approved by the Board of Governors for a term of four years.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Board of Governors.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice-Chancellor, the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.

(5) The Registrar shall exercise such powers and performs such duties as may be prescribed by Statutes of the University.

(6) The Board of Governors is empowered to remove the Registrar after due enquiry. It will be opened to the Board of Governors to suspend the Registrar during enquiry depending upon the seriousness of the charges, as he may deem fit.

**Appointment of
Finance Officer.**

17. (1) The appointment of the Finance Officer shall be made by the Board of Governors on such terms and conditions as approved by the Board of Governors for a terms of four years.

(2) The Finance Officer shall exercise such other powers and perform such other duties as may be prescribed by the Statutes of the University or may be required from time to time by the Board of Governors.

(3) The Board of Governors is empowered to remove the Finance Officer after due enquiry. It will be open to the Board of Governors to suspend the Finance Officer during enquiry depending upon the seriousness of the charges, as he may deem fit.

Other Officers.

18. The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University shall be as authorised by the Board of Governors.

CHAPTER 4**AUTHORITIES OF UNIVERSITY****Authorities of the University.**

19. The following shall be the authorities of the University, namely,-

- (a) the Board of Governors;
- (b) the Board of Management;
- (c) the Academic Council;
- (d) the Finance Committee; and
- (e) such other authorities as may be declared by the Act or Statutes of the University.

The Board of Governors and its powers.

20. (1) The Board of Governors shall consist of the following, members, -

- (I) the Chancellor;
- (II) the Vice-Chancellor;
- (III) three persons nominated by the Sponsor;
- (IV) one representative of the State Government;
- (V) an educationist of repute to be nominated by the State Government;
- (VI) an educationist of repute to be nominated by the Sponsor;

(2) The Chancellor shall be the Chairman of the Board of Governors.

(3) In absence of Chancellor the Vice-Chancellor will be the Chairman of the Board of Governors.

(4) The Registrar shall be an ex-officio Secretary of the Board of Governors.

(5) In absence of the Registrar, one existing member nominated by the Board of Governor, will work temporarily as the Secretary of the Board of Governors.

(6) The Board of Governors shall be the supreme authority and principal governing body of the University and shall have the following powers, namely, -

- (a) to appoint the Statutory Auditors of the University;
- (b) the terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance officer and other officers and appoint/remove the Registrar and the Finance Officer and other officers;
- (c) to lay down policies to be pursued by the University;
- (d) to approve the Rules and Regulations of the University created by Board of Management;
- (e) to make new or additional Statutes, Rules and Regulations or amend or repeal the earlier Statutes;

- (f) to review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Rules and the Statutes of the University;
- (g) to approve the budget and annual report of the University;
- (h) to approve proposals for submission to the State Government; and other State Governments, Governments of India or Government of other countries;
- (i) to take such decisions and steps as are found desirable for effectively carrying out the object of University;
- (j) to exercise all the powers of the University as vested in Section 8;
- (k) to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the object of the University;
- (l) to carry out all such other activities as may be necessary or feasible in furtherance of the object of the university;
- (m) to do all things necessary or expedient to exercise the above powers;
- (n) to take decision about voluntary winding up of the University;
- (o) to approve additional power and modify the existing power of
 - (I) Board of Management;
 - (II) Academic Council;
 - (III) Finance Committee;
 - (IV) Other Authorities; and
 - (V) Other Committees

(7) The Board of Governors shall meet at least twice in a calendar year at such time and place as the chancellor thinks fit.

**Board of
Management.**

21. (1) The Board of Management shall consist of –

- (a) the Vice-Chancellor,
- (b) the Registrar;
- (c) three persons, nominated by the Sponsor;
- (d) two Deans of the Faculties as nominated by the Vice Chancellor;
- (e) one representative to be nominated by the State Government; and
- (f) one management representative to be nominated by the Sponsor;

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary of the Board of Management:

Provided in absence of the Vice-Chancellor, the management representative nominated by the Sponsor will work temporarily as the Chairman of the Board of Management.

(3) The Board of Management shall have the following powers, namely, -

- (a) to establish, maintain and recognize such Regional Canters and Off-shore campuses subject to the approval from Board of Governors;
- (b) to launch any academic and research programmes and courses, discipline of education which deemed suitable for meeting the object of the University;
- (c) to create and amend the Rules and Regulations of the University to fulfill the objects of the University;
- (d) To determine, demand and receive fees, bills, invoices and collect charges;
- (e) to make provisions for extra curricular activities for students and employees;
- (f) the operation of the endowment fund, the general fund and the development fund;
- (g) to appoint the faculties, teachers, officers and employees of the University or a consultant college, regional Centres, Study Centres, campuses, establish, maintain and recognize such Regional Centres. Study Centres and Campuses, Off-Campuse Centres and Offshore campuses located in India and abroad;
- (h) to receive donations and gifts of any kind and to acquire, hold, manage, maintain, lease, mortgage and dispose of any movable or immovable property, including trust and endowment properties of the purpose of the University or a consultant college, or a Regional Centre, Off-campus Centre, Off-shore campus or a Study Centre;
- (i) to create & manage the halls and places of residence for students. Officers, faculties, teachers and employees of the University or a constituent college or other partners of the University at the main campus and other campuses in India and abroad;
- (j) to supervise and control the residence, and to regulate discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (k) to create academic, administrative and support staff and other necessary posts;
- (l) to co-operate and collaborate with other Universities and

Institutions in such a manner and for such purposes as the University may determine from time to time;

- (m) to offer programmes on distance learning basis and continuing education and manner in which such programmes are offered by the University;
- (n) to organize and conduct refresher courses, orientation courses, workshops, seminars and other programmes for industry executives, teachers, developers of courseware, evaluator and other academic staff;
- (o) to determine standards of admission to the University, constituent colleges, Regional Centres, Off-campus Centres, Off-shore Campuses, Study Centres with approval of Academic Council;
- (p) to make special provision for students belonging to the State of Meghalaya or other states for admission in any course of University or in a constituent college, Off-campus Centres, Off-shore Campuses, Regional Centre or Study Centre;
- (q) to prescribe such courses for Bachelor Degree, Master's Degree, Doctor of Philosophy, Doctor of Science Degrees and Research and such other Degrees, Diplomas, Certificates etc.;
- (r) to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CD, VCD, DVD and other software;
- (s) to recognize examinations or periods of study (whether in full or in part) of other Universities, Institutions or other places of higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;
- (t) to create an Industry Academia partnership by inviting Industry in the University campus and other University Centres for mutual benefits;
- (u) to raise, collect, subscribe and borrow with the approval of the Board of Governors whether on the security of the property of the University, money for the purposes of the University;
- (v) to enter into, carry out, vary or cancel contracts;
- (w) To do all such other acts or things as directed by the Board of Governors; and
- (x) to do all things necessary or expedient to exercise the above powers.

The Academic Council

22.(1) The Academic Council shall consist of: -

- (a) the Vice-Chancellor as Chairman;
- (b) the Registrar as Secretary;

- (c) the Finance Officer;
- (d) such other members as may be prescribed in the statutes (like Dean, HOD, and Professors).

(2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, and the rules & Regulations, coordinate and exercise general supervision over the academic policies of the University.

The Finance committee.

23. (1) The Finance Committee shall consist of:-

- (a) the Vice-Chancellor as Chairman;
- (b) the Registrar as Secretary;
- (c) the Finance Officer;
- (d) one person, nominated by the Sponsor.

(2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Rules & Statutes; coordinate and exercise general supervision over the financial matters of the University.

Other Authorities.

24. The constitution, powers and functions of the other authorities of the University shall be such as may be prescribed by the Act.

Proceedings not invalidated on account vacancy.

25. No act of proceeding of any authorities of the University shall be invalid merely by reason of the existence of any vacancy of post or defect in the constitution of the authority.

**CHAPTER 5
STATUTES AND RULES**

Statues.

26. Subject to the provisions of this Act, the statutes may provide for any matter relating to the University and staff, as given below:-

- (a) the constitution, power and function of the authorities and other bodies of the University not specified in the Act, as may be constituted from time to time;
- (b) the mode of recruitment and the conditions of the service of the other officers, teachers and employees of the University;
- (c) the procedure for resolving disputes between the University and its officers, faculty members, employee and students;
- (d) creation, abolition or restructuring of departments and faculties;
- (e) the manner of co-operation with Universities or institutions of higher learning;
- (f) the procedure for conferment of honorary degrees;
- (g) provisions regarding grant of freeships and scholarships;

- (h) number of seats in different courses of studies and the procedure of admission of the students to such courses;
- (i) the fee chargeable from the students for various courses of studies;
- (j) institution of fellowships, scholarships, studentships, freeships, medals and prizes;
- (k) procedure for creation and abolition of posts; and
- (l) other matters which may be prescribed.

Statutes how made.

27. (1) The first Statutes framed by the board of governors shall be submitted to the State Government for its approval, which may, within three months from the date of receipt of the Statutes give its approval with or without modifications.

(2) Where the State government fails to take any decision with respect to the approval of the Statutes within the period specified under sub-section (1) it shall be deemed to have been approved by the State Government.

Powers to amend the Statutes.

28. (1) The Statutes as stated in the Act may be amended or new Statutes may be added by the Board of Management which needs to be approved by the Board of Governors.

(2) The Board of Governors shall submit the new and amended Statutes to the State Government for its approval, which may, within three months from the date of receipt of the Statutes give its approval with or without modifications.

(3) Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified under sub-section (1), it shall be deemed to have been approved by the State Government.

Rules.

29. Subject to the provisions to this Act, the Rules may provide for all or any of the following matters, namely, -

- (a) admission of students to the University and their enrollment and continuance as such;
- (b) the courses of study to be laid down for all degrees, diplomas, certificates and other academic distinctions of the University;
- (c) the award of degrees, diplomas, certificates and other academic distinctions of the University;
- (d) creation of new authorities of the University;
- (e) accounting policy and financial procedure;
- (f) the conditions of the award of fellowships, scholarships, studentships, medals and prizes;
- (g) the conduct of examinations and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;

- (h) the fee to be charged for admission to the examinations, degrees, diplomas certificates and other academic distinctions of the University;
- (i) revision of fees;
- (j) alteration of number of seats in different courses and programmes;
- (k) the conditions of residence of the students at the University or a constituent college or affiliated college;
- (l) maintenance of discipline among the students of the University or a constituent college; and
- (m) all other matters as may be provided under the Act.

Rules how made. 30. (1) The Rules shall be made by the Board of Governors and Rules so made shall be submitted to the State Government for its approval, which may within two months from the date of receipt of the Rules, give its approval with or without modification.

(2) Where the State Government fails to take any decision with respect to the approval of the Rules within the period specified under sub-section (1), it shall be deemed to have been approved by the State Government.

Power to amend Rules. 31. The Board of Governors may make new or additional Rules or amend or repeal the Rules.

CHAPTER 6

MISCELLANEOUS

Conditions of service of employees. 32. (1) Every employee shall be appointed under a written contract, which shall be kept in the University a copy of which shall be furnished to the employee concerned.

(2) Disciplinary action against the students/ employees shall be governed by the procedure prescribed in the Statutes.

Right to appeal. 33. Every employee or student of the University or of a constituent college, shall notwithstanding anything contained in the Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any other officer or authority of the University or of the Principal of any such college, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

Provident fund and pension. 34. The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed.

Disputes as to constitution of University authorities and bodies. 35. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the chancellor whose decision thereon shall be final.

Constitution of 36. Any authority of the University mentioned in Section 19 will be

- committees.** empowered to constitute a committee of such authority, consisting of such members as such authority may deem fit, having such powers as the authority may deem fit.
- Filling of casual vacancies.** 37. Any casual vacancy among the members, other than ex-officio members of any authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he or she fills would have been a member.
- Protection of action taken in good faith.** 38. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith is intended to be done.
- Transitional provisions.** 39. Notwithstanding anything contained in any other provisions of this Act –
- (a) the first Vice-Chancellor shall be appointed by the Chancellor and the said officer shall hold office for a term of three years;
 - (b) the first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of three years;
 - (c) the first Board Governors shall hold office for a term not exceeding three years;
 - (d) the first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of three years;
- Endowment Fund.** 40. (1) The University shall establish an Endowment Fund of at least Rupees two crore and paid in one installment.
- (2) The University shall have power to invest the Endowment Fund in such manner as may be prescribed.
- (3) The University may transfer any amount from the General Fund or the Development Fund to the Endowment Fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from the Endowment Fund for other purpose.
- (4) Not exceeding 75% of the incomes received from the Endowment Fund shall be used for the purposes of development works of the University. The remaining 25% shall be reinvested into the Endowment Fund.
- General Fund.** 41. (1) The University shall establish a general fund to which the following amount shall be credited, namely, -
- (a) all fees, which may be charged by the University;
 - (b) all sums received from any other source(s);
 - (c) all contributions made by the sponsor;
 - (d) all contributions/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force.

(2) The funds credited to the General Fund shall be applied to meet the following payments:-

- (a) the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes made thereunder;
- (b) the upkeep of the assets of the University;
- (c) the payment of the cost of audit of the fund created under Section 45;
- (d) meeting the expenses of any suit or proceeding to which University is a party;
- (e) the payment of salaries and allowances of the officers and the employees of the University, members of the teaching and research staff, and payment of any Provident Fund Contributions, Gratuity and other benefits to any such officers and employees, members of the teaching and research staff;
- (f) the payment of travelling and other allowances of the members of Board of Governors, the Board of Management, Academic Council, and other authorities so declared under the Rules and Regulations of the University and of the members of the committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Act, or the Statutes made thereunder;
- (g) the payment of fellowship, freeships, scholarships, assistantships and other awards to students, research associates or trainees eligible for such awards under the Act, or Statutes of the University under the provisions of this Act;
- (h) the payment of any expenses incurred by the University in carrying out the provisions of this Act, or the Rules and Regulations made thereunder;
- (i) the payment of costs of capital, not exceeding the prevailing bank rate of interest, incurred by the sponsor for setting up the University and the investment made thereof;
- (j) the payment of charges and expenditure relating to the consultancy work undertaken by the University in Pursuance of the Provisions of this Act, and the Statutes made thereunder;
- (k) the payment of any other expenses including a management fee payable to any organization charged with the responsibility of managing the University on behalf of the Sponsoring Body, as approved by the Board of Management to be an expense for the purpose of the University;

Provided that no expenditure shall be incurred by the University in excess of the limits for the total recurring expenditure and the total non-recurring expenditure for the year as may be fixed by the Board of Management without the previous approval of the Board of Management:

Provided further that the General fund shall be applied for the object specified under sub-section (2) with the prior approval of the Board of Management of the University.

Development Fund.

42. The University shall also establish a Development Fund to which the following funds shall be credited, namely,-

- (a) development fees which may be charged from students;
- (b) all sums received from any other source for the purpose of the development of the University;
- (c) all contributions made by the Sponsor;
- (d) all contributions/ donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and
- (e) all incomes received from the Endowment Fund.

Maintenance of Fund.

43. The fund established under Section 40, 41 and 42 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed by the Statutes.

Annual Report.

44. (1) The Annual Report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.

(2) The Board of Governors shall consider the Annual Report in its meeting and may approve the same with or without modification;

(3) A copy of Annual Report duly approved by the Board of Governors shall be sent to visitor and the State Government on or before December 31 following close of the financial year in March 31 each year.

Account and Audit.

45. (1) The Annual Accounts and Balance Sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.

(2) The Annual Accounts of the University shall be audited every year by a Chartered Accountant, who is a Member of the institute of chartered Accountants of India, to be appointed by the Board of Management on a mutually agreeable terms for a period of three years.

(3) A copy of the annual accounts and the Balance Sheet together with the audit report shall be submitted to the Board of Governors on or before December 31 following close of the financial year in March 31 each Year.

(4) The Annual Accounts, the Balance sheet and the Audit Report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to Visitor and the State Government along with its observation thereon on or before December 31 each year.

Mode of proof of University record.

46. A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University. If certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of the entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

Dissolution of University

47. (1) If the Sponsor proposes dissolution of the University in accordance with the law governing its constitution or Incorporation, it shall give at least 3 months notice in writing to the State Government.

(2) On identification of mismanagement, mal-administration, indiscipline, failure in the accomplishment of the objectives of University and economic hardship in the management systems of University, the State Government would issue directions to the Management system of the University. If the directions are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.

(3) The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf, provided that no such action will be initiated without affording a reasonable opportunity to show cause to the sponsor.

(4) On Receipt of the notice referred to in Sub-section (1), the State Government shall, in consultation with the AICTE, UGC or other regulatory bodies make such arrangements for administration of the University from the proposed date of dissolution of the University by the Sponsor and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.

Expenditure of the University during dissolution.

48. (1) The expenditure for administration of the University during the taking over period under Section 48 shall be made out of the Endowment Fund, the General fund or the development fund.

(2) If the funds referred to sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University, by the State Government.

**Laying of
Statutes and
Rules.**

49. Every Statute or Rule made under this Act shall be laid, as soon as may be after it is made, on the table of the Meghalaya Legislative Assembly.

**Removal of
Difficulties.**

50. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or order, make such provisions, not inconsistent with the provisions of this Act, as appeared to, make such provisions of this Act, as appeared to it to be necessary or expedient, for removing the difficulty:

Provided that no notification or order under sub-section (1) shall be made after the expiration of a period of three years from the Commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

**University to be
subject to
standards of
UGC.**

51. Notwithstanding anything contained in this Act, the establishment maintenance of standards and any other matter concerning private universities established under this Act shall be as per the provision of UGC (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003 as amended from time to time and any other regulation or direction as may be issued by the UGC and the State Government from time to time.

STATEMENT OF OBJECT AND REASON

With a view to providing instruction, teaching, training and research in various fields of professional, Technical, Vocational and Science education and to provide high quality and industry relevant education in the areas of Engineering, Physical Sciences, Life Sciences, Technology, Medical Science and Paramedical, Management, Technical, Finance & Accounting, Commerce, Humanities, Languages & Communication. Applied and Performing Arts, Education, Law, Social Science and related areas sponsored by Layman Education Society through regular and distance education mode and to provide for matters connected therewith or incidental thereto, it has become essential to establish a self-financing Private University of excellence in the State of Meghalaya through the Mahatma Gandhi University to impart quality professional education in the above emerging fields.

Hence this Bill.

(Smt. Ampareen Lyngdoh)

Minister of Higher & Technical Education,
Government of Meghalaya

(Smt. H. Myllemngap)

Secretary
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

There will be no expenditure from the Consolidated Fund of the State of Meghalaya in implementing the provisions of the proposed enactment. The University of Technology and Management will be a Self-Financing University and establishment and management of such University under the provision of this Bill will be financed by the University and not by the State Government.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 20 empowers the Board of Governors to appoint auditors , to lay down policies, to approve Statutes Rules and Regulation, to approve the budget and to exercise all the powers of the University as vested in clause 8.

Clause 21 empowers the Board of Management to launch academic programme, amend the rules and regulations, operate the endowment fund, appoint the faculties and supervise and control the management of the University.

Clauses 26, 27, 28, 29, 30 and 31 of the Bill empowers the Board of Governors to make new or additional Statutes and Rules or amend or repeal the earlier Statutes and Rules.

Clause 50 of the Bill also provides for removal of difficulties if arises in implementing the Bill provided that such removal may not be made for the expiry of the period of 3 years from the commencement of this Bill.

Hence the delegation of power is of normal character.



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PART - V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 3rd December, 2010.

No.LB.69/LA/2010/2.—The University of Technology and Management Bill, 2010 introduced in the Meghalaya Legislative Assembly on the 3rd December, 2010 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

UNIVERSITY OF TECHNOLOGY AND MANAGEMENT BILL, 2010

A BILL

to establish and incorporate a University in the name of University of Technology and Management with facilities for education, training and research in the areas of applied sciences, technology, management, medicine, fashion & design, law and other related studies sponsored by Hydrocarbons Education & Research Society, registered under Societies Registration Act, 1860 at New Delhi and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislative of the State of Meghalaya in the Sixty-first Year of the Republic of India as follows: -

Short title and commencement. 1. (1) This Act may be called the University of Technology and Management Act, 2010

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise required:-

- (a) “Academic Council” means the Academic Council of the University;
- (b) “Act” means the University of Technology and Management Act, 2010;
- (c) “BCI” means the Bar Council of India;
- (d) “Board of Governors” means the Board of Governors of the University;
- (e) “Career Academy Centre” means a centre established, maintained or recognized by the University for the purpose of receiving telecast, e-mail, internet, interactive talk back, conducting training, organize lectures, seminars and workshops, advising, counseling or rendering any other assistance required by the students;
- (f) “Chancellor” means Chancellor of the University;
- (g) “Constituent Institute” means a School or an institute, regional center, study center, off-campus center, career academy center established by the University;
- (h) “Council for Technical Education” means the All India Council for Technical Education established under section (3) of the All India Council for Technical Education Act, 1987;
- (i) “Dean” means the Dean of a Faculty of the University;
- (j) “Director” in relation to a constituent school/department, means the head of the constituent school/department, and includes, where there is no Dean, the senior most professor or any other person for the time being appointed to act as Dean;
- (k) “Distance Education System” means the system of imparting education through any means of information technology and communication such as broadcasting, telecasting, correspondence course, seminar, contact program or a combination of any two or more such means;
- (l) “Employee” means employee appointed by the University and includes teachers, administrative and other support staff of the University or a constituent school/department/institute maintained by the University;
- (m) “Faculty” means faculty of the University;
- (n) “Finance Committee” means the Finance Committee of the University;
- (o) “Government” means the Government of Meghalaya;
- (p) “Hall” means a unit of residence for students maintained or recognized by the University or a constituent school/department;
- (q) “MCI” means the Medical Council of India;
- (r) “Off-Campus Centre” means a centre of the University established by it outside the territory of its main campus

but within the State of Meghalaya operated and maintained as its constituent unit, having the University's complement of facilities and staff;

- (s) "prescribed" means prescribed by the Statutes;
- (t) "Registrar" means the Registrar of the University;
- (u) "Regional Centre" means a centre established or maintained by the University for the purpose of co-ordination and supervising the work of Study Centres within the State and for performing such other functions as may be conferred on such centre by the Board of Management;
- (v) "Sponsor" means Hydrocarbons Education and Research Society registered under Societies Registration Act, 1860 having its registered office at PHDCCI, PHD House, III Floor, 4/2 Siri Institutional Area, August Kranti Marg, New Delhi 110 016;
- (w) "State" means the State of Meghalaya;
- (x) "Statutes" and "Rules" mean, respectively, the Statutes and Rules of the University;
- (y) "Study Centre" means a centre established, maintained or recognized by the University for the purpose of advising, counseling or for rendering any other assistance required by the students;
- (z) "Teacher" means a Professor, Associate Professor, Assistant Professor / Lecturer or such other person as may be appointed for imparting instruction or conducting research in the University or in a Constituent and includes the Principal of Constituent School;
- (za) "UGC" means University Grants Commission established under University Grants Commission Act, 1956;
- (zb) "University" means University of Technology and Management established under this Act; and
- (zc) "Visitor" means the Visitor of the University.

**Objectives of
the University.**

3. (1) The objectives for which the University is established are as follows:-

- (a) to have provision for extensive study, teaching and research in all elements of Applied Science, Technology, Management, Medicine, Fashion & Design, Law and related areas and subjects and to make provisions for research, advancement and dissemination of knowledge therein;
- (b) to establish constituent schools / departments such as School of Media & Communication (SMC), School of Applied Sciences (SoAS), School of Medicine (SoM), School of Retail & Fashion Studies (SRFS), School of Fashion & Design (SoFD), School of Travel & Tourism (SoTT), School of Legal Studies (SLS) and School of Technology (SoT) and allied sectors, and to offer diploma, under graduate and post-graduate courses which would be as nomenclated by UGC. The University shall have the right to start other diploma and certificate courses in furtherance of its objectives;

- (c) to establish the following faculties:
 - (i) Faculty of Management;
 - (ii) Faculty of Fashion & Design
 - (iii) Faculty of Applied Science
 - (iv) Faculty of Medicine
 - (v) Faculty of Engineering & Technology
 - (vi) Faculty of Law
- (d) to establish campus in the State and to establish, maintain and recognize study centers, examination centers, off-campus centers, and regional centers within the State subject to applicable rules and regulations;
- (e) to establish a constituent Centre for Continuing Education to provide instructions through distance learning methodology for the courses mentioned in (b) above;
- (f) to collaborate with other colleges or universities, research institutions, industry associations, professional associations or any other organization, in India or abroad, to conceptualize, design and develop specific educational and research programs, training programs and exchange programs for students, faculty members and others;
- (g) to create a Industry Academia partnership by inviting Industry in the University campus and other University places for mutual benefits;
- (h) to do all things necessary or expedient to promote the above objectives;
- (i) to pursue any other objective as may be prescribed by State Government or the Sponsor.

(2) To establish a Center to promote research and innovations in the Management & Technology Sectors and thereby -

- (a) to provide for instructions and training in such related branches of learning as it may deem fit;
- (b) to provide for research for the advancement of and dissemination of knowledge in the sector;
- (c) to undertake other such activities leading to advance technology and management

**Power and
functions of the
University.**

4. The University shall have the following powers, namely, -

- (1) to make provisions and adopt all measures (including adoption and updating of the curricula) in respect of study, teaching and research, relating to courses through traditional as well as new innovative modes including on-line education mode for meeting the object as mentioned in Section 3 of the Act;
- (2) to institute and confer degrees, diplomas, certificates,

awards, grades, credits and academic distinctions;

- (3) to institute and award fellowships, scholarships, studentships as may be specified;
- (4) to conduct and hold examinations;
- (5) to provide for the degrees, diplomas, certificates equivalent or corresponding to the degrees, diplomas, certificates of other recognized Universities, Boards or Councils;
- (6) to institute and confer honorary degrees as may be prescribed;
- (7) to set up schools, institutions, off- campus centres, and study centres as per the instructions issued by the State Government, Central Government and University Grant Commission from time to time;
- (8) to make provisions for the advancement of education in Applied Science, Technology, Management, Medicine, Fashion & Design, Law and other areas mentioned in Section 3 of the Act;
- (9) to prescribe fee structure for various courses from time to time and to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or Rules, as the case may be;
- (10) to make provisions for extra curricular activities for students and employees;
- (11) to create academic, administrative, support staff and other necessary posts;
- (12) to make appointments of teachers, officers and employees of the University or a Constituent Institute, Regional Centre, Study Centre, off-campus and Career Academy Centre;
- ~~(13)~~ to receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property, including trust and endowment properties within or outside Meghalaya for the purpose of the University or a Constituent Institute, Regional Centre, Study Centre or Career Academy Centre and to invests funds in such manner with the prior permission of the Governing Body.
- (14) to institute and maintain halls and to recognize places of residence for students, faculties, teachers and employees of the University or in a Constituent School;
- (15) to supervise and control the residence, and to regulate and discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (16) to co-operate or collaborate with other Universities in such manner and for such purposes as the University may determine from time to time;

- (17) to organize and conduct refresher courses, orientation courses, workshops, seminars and other programs for teachers, lesson writers, evaluators and other academic programmes of the University may be organized;
- (18) to determine standards of admission to the University, Constituent Schools, Departments, Institutes, Regional Centers, Study Centers, Off-Campus/Off-shore campus(es), Career Academy Centers and affiliated colleges through specialized committees with the approval of Academic Council;
- (19) to make special provision for domiciled students of the State of Meghalaya for admission in any course of the University or its Constituent Institutions;
- (20) to prescribe such courses for Bachelor, Post Graduate and Research Degrees and to start diplomas, in Applied Sciences, Medicine, Technology, Management, Fashion & Design, Law and related subjects;
- (21) to clearly set apart academic activities of the University from the activities of the Sponsor;
- (22) to provide distance education system and the manner in which distance education in relations to the academic programmes of the University may be organized;
- (23) to provide for the preparation of instructional materials, including films, cassettes, tapes, CD, VCD and other softwares;
- (24) to recognize examinations of, or periods of study (whether in full or in part) at, other universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the university and to withdraw such recognition at any time;
- (25) to provide for dual degrees, diplomas or certificates vis-à-vis other Universities on reciprocal basis within and outside the country as per instructions of the State Government, Government of India and University Grant Commission;
- (26) to raise, collect, subscribe and borrow with the approval of the Governing Body whether on the security of the University, money for the purpose of the University;
- (27) to enter into, carry out, vary or cancel contracts;
- (28) to make such provisions for integrated courses in different disciplines in the educational programmes of the University;
- (29) to determine salaries, remunerations, honoraria to teachers and employees of the University in accordance with the norms specified by University Grants Commission and other regulatory bodies;
- (30) to co-operate with an other University in and outside the country, authority or any public or private body having in view the promotion of purposes and objects similar to

those of the University for such purposes as may be agreed upon on such terms and conditions as may from time to time be specified;

- (31) to create, amend and cancel the Rules and Regulations, Statutes and ordinances for carrying out the objects of the University in accordance with the provisions of the Act;
- (32) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.
- (33) to provide consultancy services; and
- (34) The University shall have powers to get into collaborations and agreements of articulation and progression with reputed universities and institutions in India and abroad:

Provided that the University does not affiliate colleges or institutions which are not owned and managed by the University and established by other institution and University.

University open to all classes, castes, creed and gender.

5. The University shall be opened to all persons irrespective of caste, class, creed or gender:

Provided that nothing in this section shall be deemed to require the University from making special provisions for admission of domiciled students of the State.

University not to be entitled to financial assistance.

6. The University shall be self-financing and shall neither make a demand nor shall be entitled to any grant in-aid or any other financial assistance from the Central Government or State Government or any other body or corporation owned or controlled by the Central or State Government:

Provided further that nothing in this section will prevent the University for creation of Endowments for research and development from PSUs owned by the Central Government and other Central Research Bodies.

Constituent Institutes.

7. The University may have Constituent Institutes, Regional Centers, Campus(es), Off-Campus Centers, and Study Centers within the State.

National & International Accreditation.

8. The University will seek accreditation from respective national and international accreditation bodies.

Campus of the University.

9. (1) The Campus of the University shall be at any place within the State of Meghalaya with its Headquarters at Shillong and it may have Regional Centers, Study Centers, Off-campus centers at other locations within the State.

(2) The Chancellor, the Vice-Chancellor, members of the Board of Governors, members of the Board of Management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the University.

(3) The Board of Governors will decide the usage of land, building and other properties acquired for the University, which is for the benefits of the University.

Officers of the University.

10. The following shall be the officers of the University -

- [a] the Chancellor;
- (b) the Vice Chancellor;
- (c) the Pro Vice Chancellor;
- (d) the Deans of Faculties;
- (e) the Directors of Schools;
- (f) the Registrar;
- (g) the Finance Officer; and
- [h] such other officers as may be declared by the Statutes to be officers of the University.

The Visitor.

11. (1) The Visitor of the University shall be notified by the sponsor in consultation with the State government.

(2) The Visitor shall, when present, preside at the convocation of the University for conferring degrees and diplomas.

(3) The Visitor shall, have the following powers, namely:-

(a) to call any paper or information relating to the affairs of the University.

(b) On the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the Act, Statutes or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned.

(4) Every proposal for the conferment of an honorary degree or distinction shall be subject to the approval of the Visitor.

(5) The Visitor while exercising the power under this Act, shall consult the State Government in any matter involving interest of the State Government.

The Chancellor.

12. (1) The Chancellor shall be appointed by the Sponsor for a period of five years with prior concurrence of the Visitor in such manner and on such terms and conditions as may be specified by the Statutes:

Provided that after expiration of the term of five years, the Chancellor shall be eligible for re-appointment.

(2) The Sponsor will have the right to discontinue the services of the Chancellor before the expiration of the full-term.

(3) The Chancellor shall preside at the meeting of the Board of Governors and shall, when the Visitor is not present, preside at the Convocation of the University for conferring Degrees, Diplomas, Designations or Certificates.

(4) The Chancellor is empowered to remove the Vice Chancellor after due enquiry. It will be open to the Chancellor to suspend the Vice Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.

(5) The Chancellor shall have such powers as may be conferred on

The Vice-Chancellor.

him by this Act or the Statutes made thereunder.

13. (1) The Vice-Chancellor shall be appointed by the Chancellor on such terms and conditions as approved by the Board of Governors for a term of five years.

(2) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Board of Governors:

Provided that after expiration of the term of five years, the Vice Chancellor shall be eligible for re-appointment:

Provided further that Vice-Chancellor shall continue to hold office even after expiry of his term till new Vice Chancellor joins, however, in any case, this period shall not exceed one year.

(3) The Committee shall, on the basis of merit, prepare a panel of name of three persons suitable to hold the office of the Vice-Chancellor and forward the same to the Chancellor along with the concise statement showing the academic qualifications and other distinctions of each person.

(4) The Vice-Chancellor shall be the Principal Executive and academic Officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.

(5) The Vice-Chancellor shall preside at the Convocation of the University in the absence of both the Visitor and the Chancellor for conferring Degrees, Diplomas, Distinctions or Certificates.

(6) Where any matter other than the appointment of a teacher is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered or under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit with the prior approval of the Chancellor.

(7) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Statutes of the Rules.

(8) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, and appeal to the Board of Governors and the Board of Governors may confirm or modify or reverse the action taken by the Vice-Chancellor.

- The Pro-Vice Chancellor.** 14. The Pro Vice Chancellor may be appointed by the Vice Chancellor with prior approval of the Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.
- Deans of Faculties & Directors of Schools.** 15. Deans of faculties and Directors of Schools shall be appointed by the Vice Chancellor in such manner and shall exercise such power and perform such duties as may be prescribed by Statutes.
- The Registrar.** 16. (1) The Registrar shall be appointed by the Board of Management in such manner and on such terms and conditions as may be prescribed.
- (2) All contracts shall be entered into and signed by the Registrar on behalf of the University.
- (3) The Registrar shall have the power to authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Chancellor or the Vice Chancellor.
- (4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.
- (5) The Board of Management is empowered to remove the Registrar after due enquiry. It will be open to the Board of Management to suspend the Registrar during enquiry depending upon the seriousness of the charges, as they may deem fit
- The Finance Officer.** 17. (1) The Finance Officer shall be appointed by the Board of Management in such manner and shall exercise such powers and perform such duties as may be prescribed.
- (2) The Board of Management is empowered to remove the Finance Officer after due enquiry. It will be open to the Board of Management to suspend the Finance Officer during enquiry depending upon the seriousness of the charges, as may deem fit.
- Other Officers.** 18. The manner of appointment, terms and conditions of service and powers and duties of other officers of the University shall be such as may be prescribed.
- Authorities of the University.** 19. The following shall be the authorities of the University, namely –
- (a) the Board of Governors;
 - (b) the Board of Management;
 - (c) the Academic Council;
 - (d) the Finance Committee; and
 - (e) such other authorities as may be declared by the Statutes to be the authorities of the University.
- The Board of Governors and its powers.** 20. (1) The Board of Governors shall consist of:
- (a) the Chancellor - Chairman;

- (b) the Vice Chancellor – Members Secretary;
 - (c) two representatives of State Government of which one should be an educationist of repute;
 - (d) three persons nominated by the Sponsor;
 - (e) an educationist of repute to be nominated by the Chancellor from any premier Institute such as Indian Institute of Technology / Indian Institute of Management / Indian Institute of Science, Indian Institute of Design, Indian Institute of Fashion Technology, National Laws schools, etc;
 - (f) an educationist of repute to be nominated by the Sponsor from Industry inter alia from Design, Travel & Tourism, Management, Law, Sciences or Technology Sectors
- (2) The Chancellor shall be the Chairman of the Board of Governors.
- (3) The Registrar shall be an ex-officio Secretary of the Board of Governors.
- (4) The Board of Governors shall be the principal governing body of the University and shall have the following powers, namely –
- (a) to lay down policies to be pursued by the University;
 - (b) to review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the Rules;
 - (c) to approve the budget and annual report of the University;
 - (d) to make new or additional Statutes or amend or repeal the earlier Statutes and Rules;
 - (e) to take decision about voluntary winding up of the University;
 - (f) to approve proposals for submission to the State Government; Government of India or Government of other countries;
 - (g) to take such decisions and steps as are found desirable for effectively carrying out the objects of the University;
 - (h) to approve additional power & modify the existing powers of:
 - (a) Board of Management
 - (b) Academic Council
 - (c) Finance Committee
 - (d) Other Authorities
 - (e) Other Committees.
- (5) To do all things necessary or expedient to exercise the above power.
- (6) The Board of Governors shall, meet at least two times in a year at such time and place as the Chancellor thinks fit.

The Board of Management.

21. (1) The Board of Management shall consist of:-

- (a) the Vice Chancellor - Chairman;
- (b) the Registrar - Secretary;
- (c) one Management representative to be nominated by the sponsor;
- (d) three persons, nominated by the Sponsor;
- (e) two Deans of Faculties or Two senior Professors of the University as nominated by the Vice Chancellor;
- (f) one representative to be nominated by the State Government.

(2) The Board of Management shall have the following powers, namely, -

- (a) to establish, maintain and recognize such Regional Centers, Campuses, Study Centers and Off-campus centers subject to the approval from Board of Governors;
- (b) to launch any academic and research programs & courses, discipline of education which are deemed suitable for meeting the objects of the University, as approved by the Academic Council;
- (c) to create and amend the Rules and Statutes of the University to fulfill the objects of the University;
- (d) to determine, demand and receive fees, bills, invoices and collect charges;
- (e) to operate endowment fund, the general fund and the development fund;
- (f) to appoint the faculties, teachers, officers and employees of the University and its constituent institutes including Regional Centers, Study Centers, Off-campus centers located within the State;
- (g) to receive donations and gifts of any kind and to acquire, hold, manage, maintain, lease, mortgage and dispose of any movable or immovable property, subject to MTL(Regulation) Act 1971 including trust and endowment properties for the purpose of the University or its constituent institutes, or a Regional Center, Off-campus center, or a Study Center;
- (h) to create and manage the halls and places of residence for students, officers, faculties, teachers and employees of the University or a constituent college or other partners of the University;
- (i) to supervise and control the residence, and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (j) to create academic, administrative and support staff and other necessary posts;

- (k) to organize and conduct refresher courses, orientation courses, workshops, seminars and other programs for industry executives, teachers, developers of courseware, evaluator and other academic staff;
- (l) to make special provision for students belonging to the State of Meghalaya or other states for admission in any course of the University or in its constituent institutes, affiliated college, Off-campus centers, regional centers or study centers;
- (m) to create an Industry Academic partnership by inviting Industry in the University campus and other university centers for mutual benefits;
- (n) to raise, collect, subscribe and borrow with the approval of the Board of Governors on the security of the property of the University, money for the purposes of the University;
- (o) to enter into, carry out, vary or cancel contracts;
- (p) to do all such other acts or things as directed by the Board of Governors; and
- (q) to do all things necessary or expedient to exercise the above powers as are prescribed in the Statutes.

The Academic Council.

22. (1) The Academic Council shall consist of –

- (a) the Vice Chancellor - Chairman;
- (b) the Registrar - Secretary;
- (c) such other members as may be prescribed in the Statutes.

(2) The Academic Council shall be the Principal Academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Rules, co-ordinate and exercise general supervision over the academic policies of the University.

The Finance Committee.

23. (1) The Finance Committee shall consist of:-

- (a) Vice Chancellor - Chairman;
- (b) the Finance Officer – Secretary;
- (c) the Registrar;
- (d) One person nominated by the Sponsor;

(2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Statutes and Rules, co-ordinate and exercise general supervision over the financial matters of the University.

Other Authorities

24. The constitution, powers and functions of the other authorities of the University shall be such as may be prescribed in the Statutes.

Proceedings not invalidated on account of vacancy.

25. No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

Statutes.

26. Subject to the provisions of this Act, the Statutes may provide for any Statutory matter relating to the University and staff, as given below:

- (a) the constitution, powers and functions of the authorities and other bodies of the University not specified in the Act, as may be constituted from time to time;
- (b) the procedure for transaction of business of the Authorities of the University and the composition of bodies not specified in this Act;
- (c) the operation of the permanent endowment fund, the general fund and the development fund;
- (d) the terms and conditions of appointment of the Vice Chancellor, the Registrar and the Finance Officer and their powers and functions;
- (e) the mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;
- (f) the procedure for resolving disputes between the University and its officers, faculty members, employees and students;
- (g) creation, abolition or restructuring of departments and faculties;
- (h) the manner of co-operation with other Universities or Institutions of higher learning;
- (i) the procedure for conferment of honorary degrees;
- (j) provisions regarding grant of freeships and scholarships;
- (k) number of seats in different courses of studies and the procedure of admission of students to such courses including reservation of seats for Meghalaya domiciled students;
- (l) the fee chargeable from students for various courses of studies;
- (m) institution of fellowships, scholarships, studentships, freeships, medals and prizes;
- (n) procedure for creation and abolition of posts; and
- (o) other matters which may be prescribed.

Statutes how Made.

27. (1) The first Statutes framed by the Board of Governors shall be submitted to the State Government for its approval, which may, within three months from the date of receipt of the Statutes give its approval with or without modification.

(2) Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified under Sub-section (1) it shall be deemed to have been approved by the State Government.

Power to amend the Statutes.

28. The Board of Governors may, under intimation to the State Government, make new or additional Statutes or amend or repeal the existing Statutes.

Rules.

29. Subject to the provisions of this Act, the Rules may provide for all or any of the following matters, namely:-

- (a) admission of students to the University and their enrolment and continuance as such;

- (b) the courses of study to be laid down for all degrees and other academic distinctions of the University;
- (c) the award of degrees and other academic distinctions;
- (d) the conditions of the award of fellowships, scholarships, studentships, medals and prizes;
- (e) the conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;
- (f) the fee to be charged for admission to the examinations, degrees and other academic distinctions of the University;
- (g) accounting policies and financial procedures;
- (h) the conditions of residence of the students at the University or a constituent school/department;
- (i) maintenance of discipline among the students of the University or a constituent school/department;
- (j) creation of new authorities of the University; and
- (k) all other matters as may be provided in the Statutes and Rules under the Act.

Rules how made.

30 (1) The Rules shall be made by the Board of Management and submitted to the Board of Governors for approval.

(2) The Board of Governors may approve new or additional Rules or amend or repeal the existing Rules.

Conditions of service of employees.

31. (1) Every employee shall be appointed under a written contract, which service of shall be kept in University and a copy of which shall be furnished to the employee concerned.

(2) Disciplinary action against the students/employees shall be governed by procedure prescribed in the Statutes.

(3) Any dispute arising out of the contract between the University and an employee shall, at the request of the employee, be referred to a tribunal of arbitration consisting of one member appointed by the Board of Management, one member nominated by the employee concerned and an umpire appointed by the Chancellor.

(4) The decision of the tribunal in such matter shall be final.

(5) The procedure for regulating the work of the tribunal shall be such as may be prescribed.

Right to appeal.

32. Every employee or student of the University or of a constituent school/department shall, notwithstanding anything contained in the Act, have a right to appeal within such time as may be prescribed, to the Chairman, Board of Management against the decision of any officer or authority of the University or of the Director of any such Constituent School/department, regional center, study center, career academy center as the case may be and thereupon the Board of Management may confirm, modify or change the decision appealed against.

Provident fund and pension.

33. The University shall constitute for the benefit of its employees provide such Provident fund or pension fund and provide such insurance scheme as it may deem fit and pension in such manner and subject to such conditions as may be prescribed.

Disputes as to constitution of the University authorities and bodies.

34. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor of University whose decision thereon shall be final.

Constitution of Committees.

35. Any authority of the University mentioned in Section 19 will be empowered to constitute a Committee of such authority, consisting of such members as such authority may deem fit and having such powers as the authority may deem fit to prescribe.

Filling of casual vacancies.

36. Any casual vacancy among the members, other than ex-officio members, of any Authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the remaining term for which the person whose place he/she fills would have been a member.

Protection of action taken in good faith.

37. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Statutes or the Rules.

Transitional provisions.

38. Notwithstanding anything contained in any other provisions of this Act transitional and the Statutes:-

- (a) the first Vice Chancellor and Pro-Vice Chancellor, if any, shall be appointed by the Chancellor and the said officer shall hold office for a term of five years;
- (b) the first Registrar and the first Finance Officer shall be appointed by the Chancellor;
- (c) the first Board of Governors shall hold office for a term not exceeding three years;
- (d) the first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of three years.

Endowment Fund.

39. (1) The University shall establish a permanent endowment fund of least rupees two crore and to be deposited in one installment.

(2) The University shall have power to invest the permanent endowment fund in such manner as may be prescribed.

(3) The University may transfer any amount from the general fund or the development fund to the permanent endowment fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from corpus of the endowment fund for other purposes.

(4) Not exceeding 75% of the incomes received from the corpus permanent endowment fund shall be used for the purposes of development works of the University; The remaining 25 % shall be reinvested into the permanent endowment fund.

- General Fund.** 40. (1) The University shall establish a general fund to which the following amount shall be credited, namely :
- (a) all fees which may be charged by the University;
 - (b) all sums received from any other source;
 - (c) all contributions made by the Sponsor; and
 - (d) all contributions/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force.
- (2) The funds credited to the general fund shall be applied to meet all the recurring expenditure of the University.
- Developmental fund.** 41. (1) The University shall also establish a development fund to which the following funds shall be credited, namely :
- (a) development fees which may be charged from students;
 - (b) all sums received from any other source for the purposes of the development of the University;
 - (c) all contributions made by the Sponsor;
 - (d) all contributions/donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and
 - (e) all incomes received from the permanent endowment fund.
- (2) The funds credited to the development fund from time to time shall be utilized for the development of the University.
- Maintenance of Fund.** 42. The funds established under sections 39, 40 and 41 shall, subject to maintenance of general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.
- Annual Report.** 43. (1) The annual report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.
- (2) The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification.
- (3) A copy of the annual report duly approved by the Board of Governors shall be sent to Visitor and the State Government before 31 December following close of the financial year in 31 March each year.
- Accounts and audit.** 44. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.
- (2) The annual accounts of the University shall be audited by a Chartered Accountant, who is a member of the Institute of Chartered Accountants of India, every year.

(3) A copy of the annual accounts and the Balance sheet together with the audit report shall be submitted to the Board of Governors well before 31 December following close of the financial year in 31 March each-year.

(4) The annual accounts, the Balance sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the State Government along with its observations thereon before the 31 December each year.

(5) The direction of the State Government on the subject arising out of the accounts and audit report of the University shall be binding on the University.

Mode of proof of University records.

45. A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the university or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

Dissolution of University.

46. (1) If the Sponsor proposes dissolution of the University of Technology and Management in accordance with the law governing its constitution or incorporation, it shall give at least three months notice in writing to the State Government.

(2) On identification of mismanagement, mal-administration, indiscipline, failure in the accomplishment of the objects of University and economic hardships in the management systems of University, the State Government would issue directions to the University. If the directions are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.

(3) The manner of winding up of the University would be such as may be prescribed by the State Government in this behalf:

Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsor.

(4) On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with the Council for Technical Education, UGC or any other regulatory body make such arrangements for administration of the University from date of dissolution of the University by the Sponsor and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the statutes.

Expenditure of the University during dissolution.

47. (1) The expenditure for administration of the University during the taking over period of its management under section 46 shall be met out of the endowment fund, the general fund or the development fund.

(2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University, by the State Government.

Removal of difficulties.

48. (1) If any difficulties arises in giving effect to the provisions of this Act, the Governing Council may, with the approval of the State Government by order remove such provisions, not inconsistent with the provisions of this Act, as appeared to it to be necessary or expedient, for removing such difficulties:

Provided that no order under this Section shall be made after the expiration of a period of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the Legislature of the State of Meghalaya.

University to be subject to Standards of UGC.

49. Notwithstanding anything contained in this Act, the establishment, maintenance of standards and any other matter concerning Private Universities established under this Act shall be subject to the UGC (Establishment and Maintenance of Standards in Private Universities) Regulations 2003 as amended from time to time and any other regulation or direction as may be issued by the UGC from time to time.

STATEMENT OF OBJECT AND REASON

With a view to providing instruction, teaching, training and research in various fields of professional education as Applied Sciences, Technology, Management, Medicine, Fashion & Design, Law and other allied sectors; to make provisions for research, advancement of knowledge and consultancy services; to create higher levels of intellectual abilities and professional development; and to disseminate and facilitate knowledge and skills through workshops, seminars, conferences, short-term and long-term intensive programs, it has become essential to establish a self-financing Private University of excellence in the State of Meghalaya through the University of Technology and Management to impart quality professional education in the above emerging fields.

Hence this Bill.

(Smt. Ampareen Lyngdoh)

Minister of Higher & Technical Education,
Government of Meghalaya

(Smt. H. Myllemngap)

Secretary
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

There will be no expenditure from the Consolidated Fund of the State of Meghalaya in implementing the provisions of the proposed enactment. The University of Technology and Management will be a self-financing University and establishment and management of such University under the provisions of this Bill will be financed by the sponsor of the University and not by the State Government.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 20 (4) empowers the Board of Governors to make rules for providing admission of students, courses of studies, award of degrees, creation of new authority of the University and such other related matters which are matters of details and all the Rules and Regulations shall be made by the Board of Governors under intimation to the State Government.

Clause 21 (2) empowers the Board of Management to launch academic programme, amend the rules and regulations, operate the endowment fund, appoint the faculties and supervise and control the management of the University.

Clauses 26,27,28,29 & 30 of the Bill empowers the Board of Governors to make new or additional Statutes and Rules or amend or repeal the earlier Statutes and Rules.

Clause 48 of the Bill also provides for removal of difficulties if arises in implementing the Bill provided that such removal may not be made for the expiry of the period of 3 years from the commencement of this Bill.

The above delegation are matter of detail and as such the delegation is of normal character.